



Position Statement

HB 5334 & SB 725 - Ending Michigan's Landfill Yard Waste Ban

Sierra Club is Opposed to these bills. We will score votes related to these bills on our Legislative Scorecard.

Issue Background

In 1990 the legislature enacted a ban prohibiting yard waste from disposal in Michigan landfills. The ban took effect in 1995 and since then, Michigan has developed a thriving commercial compost industry. This industry now comprises many municipal composting facilities and approximately 40 privately operated composting businesses. The ban was enacted because a significant amount of valuable landfill space was being wasted by organic yard debris – a recyclable commodity that when composted creates far more jobs per ton than if the materials were buried in a landfill or burned in an incinerator. Since the ban was enacted, Michigan companies and municipalities have composted millions of dollars worth of organic materials, much of which is marketed through Michigan retailers and landscapers. This legislation seeks to end the ban so that landfills can generate more methane from their facilities, which they can burn to make electricity and obtain valuable Renewable Energy Credits under Michigan's Renewable Portfolio Standard (RPS).

Sierra Club Perspective

Because Michigan now has an RPS, there will be many proposals to create “green” energy in various ways. Some of those proposals will create jobs and reduce greenhouse gas emissions. Others will sound good, but ultimately kill jobs and *increase* greenhouse gas emissions. Unfortunately, HB 5334 and SB 725 are in the latter category. This bill doesn't make economic or environmental sense. Ending Michigan's landfill ban on yard waste ban will:

Kill the thriving commercial composting industry and put people out of work

Approximately 40 compost businesses will close their doors if this bill passes. All of these operations employ Michigan residents. While some municipalities might like the idea of reducing their payroll by laying off compost workers, these unemployed workers will become dependent upon the State for unemployment benefits – shifting a greater burden onto the people of Michigan.

Reduce tax revenue for communities and the state

Private compost operators pay property taxes and business taxes. They sell their finished product to consumers, farmers, retailers and landscape companies – all of whom pay sales taxes. They hire truckers and compost operators, who pay income taxes. These tax revenues will dry up if these bills pass.

Increase greenhouse gas pollution

Proper composting of yard waste produces carbon dioxide in quantities no greater than if those materials were left to decompose on the ground. When put in a landfill, however, these materials decompose in anaerobic conditions (without oxygen) and produce methane. Methane is a greenhouse gas 20+ times more potent than CO₂.

Organic matter decomposes very fast – even a bag of grass clippings can go anaerobic within days, producing a strong objectionable odor, indicating decomposition. Since the vast majority of methane generated from anaerobic decomposition in landfills will escape into the atmosphere long before a

methane recovery system can be installed, landfilling yard waste will actually *increase* greenhouse gas emissions by a significant amount – especially considering the low capture rate required by these bills.

The bills state that only 70% of methane is required to be captured – every other year – leading to a low collection rate of 35% per year. In addition, the bills allow two or more years of continuous flaring of methane – meaning that the energy potential is lost, and additional greenhouse gasses enter the atmosphere.

Federal rules allow landfills to delay the installation of methane recovery systems two to five years, based upon whether or not the landfill is at final grade. This delay in installing recovery facilities will allow even more methane to escape. There may also be additional, as yet undetermined implications and conflicts between federal rule and this legislation.

Create negligible quantities of “green” energy

The very small increase in “green” energy that would be created by SB 725 and HB 5334 would be far outweighed by the increase in methane gas emissions from landfills – meaning that, from an energy and climate change perspective, this bill moves Michigan in the wrong direction.

Landfills make more money at the expense of Michigan citizens

There is nothing wrong with businesses making more money. However, this bill provides landfills a windfall while increasing greenhouse gas emissions and forcing Michigan to site new and expensive landfills sooner. Landfills win, we lose. Landfills will charge a per-ton price for taking yard waste; they'll sell generated electricity for a profit; they'll obtain valuable Renewable Energy Credits under Michigan's Renewable Portfolio Standard; and, they'll make even more money by being able to take yard waste from other states and Canada. This is clearly a special interest bill with only one beneficiary.

Make Michigan a bigger magnet for out-of-state waste

If Michigan landfills are able to take yard waste, Michigan will become even more of a magnet for out-of-state trash, further accelerating the need to site new, expensive landfills.

Waste valuable nutrient-rich soil

Michigan, like many states, is experiencing depletion of organic matter in soils as a result of intensive crop rotation, the use of chemical fertilizers and soil erosion. Compost can displace chemical fertilizers while adding critical nutrients back into depleted soils. However this is not possible if we landfill our organic waste materials.

Conclusion

Rather than weakening existing laws protecting Michigan's landfill space and environment, the Legislature should be looking for ways to support the state's existing (but threatened) composting and recycling industries, which employ thousands of Michigan residents. Recycling and composting both create far more jobs per ton of waste than landfilling or incineration.

This should be done by imposing a higher tipping fee on all waste entering Michigan's landfills. The money generated from such a fee would flow back to communities, enabling them to improve their recycling and composting efforts, creating new jobs, reducing emissions and helping delay the need for new landfills.

*Please contact the Sierra Club Michigan Chapter office at (517) 484-2372 for more information.
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